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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/672,821

09/29/2000

John C. Lynch

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05/01/2006

EXAMINER

GEREZGIHER, YEMANE M

WITHROW & TERRANOVA, P.L.L.C.

P.O. BOX 1287

CARY, NC 27512

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,821

Applicant(s)

LYNCH ET AL.

Examiner

Yemane M. Gerezgiher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. The request for continued examination filed on 02/08/2006 has been entered. Claims 1-23 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 6, 7-11, 12-15, 17-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (U.S. Patent Number 6,205,557) hereinafter referred to as Chong in view of Galloway (U.S. Patent Number 5,430,709) and further in view of Ohran et al. (U.S. Patent Number 5,812,748) hereinafter Ohran.

As per claims 1, 12, 13, 15 and 22, Chong disclosed a communication network including an active and standby call servers, the standby server becoming active upon failure of the active call server (See ABSTRACT) where the active server receiving signal from an interface server hereinafter referred to as a "*media gateway*". The active call server *sending/receiving a request, to/from a media gateway, for information regarding said active media*

connection; and receiving said information. ("The active call server may then send a request back to the *media gateway* requesting more information regarding the call and receiving the information..."). See Column 1, Lines 36-62, and Column 2, Line 25 through Column 3, Line 17 and Figure 5.

Chong substantially disclosed the invention as claimed. However, Chong was silent about the information been an active media connection information. However, since the teachings of Chong are dealing with call information, the information is obviously information about an active voice communication between entities. Nevertheless, in analogues art, as evidenced by the teachings of Galloway, monitoring ongoing/established active media connection and maintaining a call record of the active connections of calls between communication terminals, the information about the active media connection comprising plurality of detailed attributes specifying detailed call information of the caller and the callee associated with the ongoing or active media connection was known in the art at the time the invention was made. See Abstract, Figs. 4-5 (Galloway further disclosed identification of device originating a active media connection, duration of the active media connection, coding of the active connection and quality of service associated with the active media connection as in claims 8-11, 17-20) Column 1 Line 58 through Column 2 Line 37 and Column 2 Line 60 through Column 3 Line 56.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the

teachings of Galloway related to monitoring and recording active media connections and have modified the teachings of Chong related to a communication system having therein an active and backup call servers monitoring call establishment call information at a call setup stage in order to maintain a detailed record of active media connections related to the statistics of the active call information in both directions. See Column 1 Line 66 through Column 2 Line 1 and Column 9 Lines 15-42.

The already combined teachings of Galloway and Chong substantially disclosed the invention as claimed. However, failed to teach that the request originating from a backup call server to receive the information about the active media connection and receiving the information at the backup call server. However, as evidenced by the teachings of Ohran, a backup server initiating a request to receive information (mirroring) about call information and receiving the information at the backup server when an active server fail in recovering information in a fault-tolerant computer system known in the art at the time the invention was made (Ohran, Title, Column 4, Lines 29-46, Column 15, Lines 19-24 and Column 24, Lines 37-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ohran related to the direction of initiating a request been from the backup server and have modified the already combined teachings of Galloway and Chong in order to eliminate the need for time consuming copying of

information from primary to secondary/backup server and vice versa in keeping the record synchronized (Ohran, Column 3, Lines 43-48).

As per claims 6 and 7, Chong disclosed an active call server storing the received information about active media connection in a *memory*. See Column 3, Lines 26-33.

As per claim 14, Chong disclosed a telecommunication network including an active and standby call servers, the standby server becoming active upon failure of the active call server. Chong disclosed *receiving an indication of a failure of a primary call server, said primary call server, prior to said failure, supporting said active media connection; responsive to said receiving, sending a request, to a media gateway, for information regarding said active media connection; and receiving said information*. See ABSTRACT, Column 1, Lines 54-62, Column 4, Lines 28-36 and Column 5, Lines 6-32.

Chong substantially disclosed the invention as claimed. However, Chong failed to teach the information been an active connection information. However, as evidenced by the teachings of Galloway, monitoring ongoing/established active media connection and maintaining a call record of the active connections of calls between communication terminals, the information about the active media connection comprising plurality of detailed attributes specifying detailed call information of the caller and the callee associated with the ongoing or active media connection. See Abstract, Figs. 4-5 (Galloway further disclosed identification of device originating a active media connection, duration of the

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active media connection, coding of the active connection and quality of service associated with the active media connection as in claims 8-11, 17-20) Column 1 Line 58 through Column 2 Line 37 and Column 2 Line 60 through Column 3 Line 56.

Thus, it is respectfully submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Galloway related to monitoring and recording active media connections and have modified the teachings of Chong related to a communication system having therein an active and backup call servers monitoring call establishment call information at a call setup stage in order to maintain a detailed record of active media connections related to the statistics of the active call information in both directions. See Column 1 Line 66 through Column 2 Line 1 and Column 9 Lines 15-42.

However, the already combined teachings of Gallows and Chong failed to teach that the request originating from a backup call server to receive the information about the active media connection and receiving the information at the backup call server. However, as evidenced by the teachings of Ohran, a backup server initiating a request to receive information (mirroring) about call information and receiving the information at the backup server when an active server fail in recovering information in a fault-tolerant computer system known in the art at the time the invention was made (Ohran, Title, Column 4, Lines 29-46, Column 15, Lines 19-24 and Column 24, Lines 37-43). Thus, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ohran related to the direction of initiating a request been from the backup server and have modified the already combined teachings of Galloway and Chong in order to eliminate the need for time consuming copying of information from primary to secondary/backup server and vice versa in keeping the record synchronized (Ohran, Column 3, Lines 43-48).

4. Claims 2-5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong et al (U.S. Patent Number 6,205,557) in view of Galloway (U.S. Patent Number 5,430,709) in view of Ohran et al. (U.S. Patent Number 5,812,748) and further in view of what would have been obvious to one of ordinary skill in the art at the time the invention was made.

With respect to the claim rejection applied to claims 1 and 15 above, the combined teachings of Chong, Galloway and Ohran disclosed the invention as claimed. However, the already combined teachings of Chong and Galloway is silent about the specific protocol used from a possible communication protocols such as SNMP (Simple Network Management Protocol), MGCP, SIP (Session Initiation Protocol) which are used to acquire information between the active and or the backup call servers and interfacing servers (media gateways).

However, the protocols mentioned above were well known in the art at the time the invention was made. In fact SNMP (Simple Network Management

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Protocol) is used to read and write (set) information on network devices, which is a standard for gathering statistical data about network traffic and the behavior of network components; SNMP uses management information bases (MIBs), which define what information is available from any manageable network device. MGCP (Media Gateway Control Protocol) is a protocol for IP telephony that enables a caller with a PSTN phone number to locate the destination device and establish a session also known as IETF RFC 2705 and further SIP (Session initiation protocol) is an Internet standard specified by the Internet Engineering Task Force (IETF) in RFC 2543. SIP is used to initiate, manage, and terminate interactive sessions between one or more users on the Internet. SIP, which borrows heavily from HTTP and the e-mail protocol SMTP, provides scalability, extensibility, flexibility, and capabilities for creation of new services. SIP is increasingly used for Internet telephony signaling, in gateways, PC phones, softswitches, and softphones. For example See (U.S. Patent Number 6,584,186) issued to Aravamudan et al disclosed the use of the claimed protocols (See Column 1, Line 55 through Column 2, Line 5 and Column 13, Lines 50-57).

The use of the protocols disclosed above was commonly known and used in the art of VOIP, which is an arbitrary choice of an ordinary skill in the art when developing or establishing a communication session in a voice communication network. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take those commonly and widely implemented protocols related to obtaining or transmitting information

between network devices and have modified the already combined teachings of Chong, Galloway and Ohran in order to facilitate the transmission of information between devices in a telephony network.

5. Claims 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango et al (U.S. Patent Number 6,724,747) hereinafter referred to as Arango in view Ohran et al. (U.S. Patent Number 5,812,748).

Arango disclosed a method and system for media connectivity over a *packet-based network, a telephone station apparatus a media gateway communicatively connected to a telephone station apparatus and a data network and connected to media gateway controller or connection manager* for establishing a connection between first media gateway and a second media gateway. See Figures 1-5, Column 1, Lines 45-60 and Column 2, Lines 5-24. Since a media gateway is a computer device or a computer program run on a computer device that translates between two dissimilar protocols, a media gateway comprising a receiver to receive data from first network and to process the received data using a processor connected to the receiver and to transmit the processed data to a second network through a transmitter connected to a processor is inherently disclosed by Arango's described media gateway.

Arango substantially disclosed the invention as claimed. However, failed to teach that the request originating from a backup call server to receive the information about the active media connection and receiving the information at

the backup call server. However, as evidenced by the teachings of Ohran, a backup server initiating a request to receive information (mirroring) about call information and receiving the information at the backup server when an active server fail in recovering information in a fault-tolerant computer system known in the art at the time the invention was made (Ohran, Title, Column 4, Lines 29-46, Column 15, Lines 19-24 and Column 24, Lines 37-43). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to take the teachings of Ohran related to the direction of initiating a request been from the backup server and have modified the already combined teachings of Arango in order to eliminate the need for time consuming copying of information from primary to secondary/backup server and vice versa in keeping the record synchronized (Ohran, Column 3, Lines 43-48).

Response to Arguments

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kung et al. (US 6917610 B1) entitled: "Activity log for improved call efficiency"

- b. Tripathi (US 6992974 B1) entitled: "System and method for providing fault tolerance in a network telephony system"
 - c. Mutalik et al. (US 6360330 B1) entitled: "System and method for backing up data stored in multiple mirrors on a mass storage subsystem under control of a backup server"
 - d. Mutalik et al. (US 6161111 A) entitled: "System and method for performing file-handling operations in a digital data processing system using an operating system-independent file map"
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yemane M. Gerezgiher whose telephone number is (571) 272-3927. The examiner can normally be reached on 9:00 AM - 6:00 PM Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

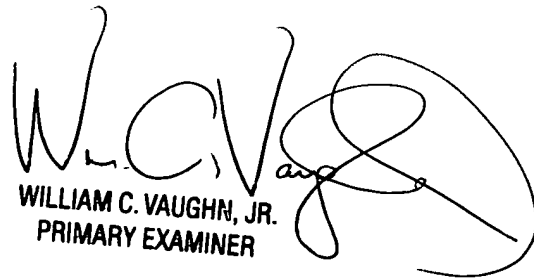
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see

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<http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAiR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YMG

TC: 2100, AV: 2144


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PRIMARY EXAMINER